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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/042,143	01/11/2002	Wei Lin	03493.00337	5827

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EXAMINER

BATURAY, ALICIA

ART UNIT PAPER NUMBER

2155

DATE MAILED: 12/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/042,143	LIN ET AL	
	Examiner	Art Unit	
	Alicia Baturay	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-44 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10052005, 12092005</u>  | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. Claims 1-44 are pending.

#### ***Claim Objections***

2. Claim 39 is objected to because of the following informalities: the end of the claim contains two periods. Appropriate correction is required.

#### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Regarding claims 2, 13, 24 and 35, the phrase "about" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Mallory (U.S. 6,954,800).

7. With respect to claim 1, Mallory teaches a method for providing access to a communications medium, the communications medium being suitable for allowing use of a plurality of Home Phoneline Network Association (HPNA) v2 frames (Mallory, col. 2, lines 9-28), the method comprising steps of:

Transmitting a sequence of blocking frames on the communications medium, each blocking frame having timing to allow an Inter-Frame Gap (IFG) having a duration that is not recognized by an HPNA v2 station (STA) as a duration defined by an HPNA v2 specification for an HPNA IFG (Mallory, col. 103, line 66 – col. 104, line 3); transmitting a message from a Media Control Station (MC STA) to at least one selected non-Media Control Station (non-MC STA) when the blocking frames are transmitted (Mallory, col. 104, lines 29-30); and receiving a reply message to the transmitted message at the MC STA from a selected non-MC STA when the blocking frames are transmitted (Mallory, col. 104, lines 29-37).

8. With respect to claim 2, Mallory teaches the invention described in claim 1, including the method where the duration of each IFG between blocking frames is less than about 17  $\mu$ sec (Mallory, col. 23, lines 54-57).

9. With respect to claim 3, Mallory teaches the invention described in claim 1, including the method where each blocking frame includes a Blocking Frame Type field (Mallory, col. 12, lines 49-54).

10. With respect to claim 4, Mallory teaches the invention described in claim 3, including the method where information contained in the Blocking Frame Type field identifies a frame type that is known to a v2 STA (Mallory, col. 12, lines 49-54).
11. With respect to claim 5, Mallory teaches the invention described in claim 3, including the method where information contained in the Blocking Frame Type field identifies a frame type that is unknown to a v2 STA (Mallory, col. 12, lines 49-54).
12. With respect to claim 6, Mallory teaches the invention described in claim 1, including the method where each blocking frame is assigned a highest HPNA v2 priority available in an HPNA v2 frame (Mallory, col. 103, line 66 – col. 104, line 3).
13. With respect to claim 7, Mallory teaches the invention described in claim 1, including the method where each blocking frame includes a scrambler initialization field having a fixed length (Mallory, col. 12, lines 57-60).
14. With respect to claim 8, Mallory teaches the invention described in claim 1, including the method where each blocking frame includes a scrambler initialization field having a variable length (Mallory, col. 16, lines 2-3).
15. With respect to claim 9, Mallory teaches the invention described in claim 1, including the method where each blocking frame includes a payload encoding field (Mallory, col. 31, lines 39-43).

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16. With respect to claim 10, Mallory teaches the invention described in claim 9, including the method where each payload encoding field includes information that is known to a v2 STA (Mallory, col. 31, lines 43-55).
17. With respect to claim 11, Mallory teaches the invention described in claim 9, including the method where each payload encoding field includes information that is unknown to a v2 STA (Mallory, col. 33, lines 34-52).
18. Claims 12-44 do not teach or define any new limitations above claims 1-11 and therefore are rejected for similar reasons.

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*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia Baturay whose telephone number is (571) 272-3981. The examiner can normally be reached at 7:30am - 5pm, Monday - Thursday, and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571) 272-4006. The fax number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alicia Baturay  
December 20, 2005

  
SALEH NAJJAR  
SUPERVISORY PATENT EXAMINER